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EXAMINER

HO, CHUONG T

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/319,851	Applicant(s) Toshihiko KITAZAWA et al.
Examiner Ho	Art Unit 2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 11-15 is/are allowed.

6) Claim(s) 1-10 and 16-39 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 6-10, 16-20, 21-25, 26-30, 31-35, 36-37, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Matsuura et al. (U.S. Patent No. 5,956,426).

In the claim 1, see figure 6, the admitted prior art discloses a plurality of encoding means for encoding program data respective including video data, outputting resultant encoded streams, generating statistical multiplexing data required for control using statistical multiplexing, and outputting the generated data on the same transmission channels as the encoded streams are transmitted (see page 11, lines 6-23, page 4, the statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

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Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ♦ encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);
- ♦ multiplexing (multiplexer 2) means for acquiring the encoding streams and the statistical multiplexing data from the respective encoding (1a to 1n) means via the transmission channels, and multiplexing and outputting them (see figure 4, col. 5, lines 25-50).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

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3. In the claims 2, 7, the admitted prior art discloses the encoding means forms the encoded stream and the statistical multiplexing data respectively as packets and outputs the packets (see page 11, lines 6-23).
4. In the claims 3, 8, 17, 18, 19, 22, 23, 24, 27, 29, 32, 34, Matsuura et al. discloses the multiplexing (multiplexer 2) means includes statistical multiplexing data removing (extracting) means for removing the statistical multiplexing data out of data obtained by multiplexing the encoded streams and the statistical multiplexing data supplied from the respective encoding (1a to 1n) means, and outputting resultant data to a transmission channel of a subsequent state, and the multiplexing means output the data including the statistical multiplexing data to the encoding control (max transmission rate controller 3) means without passing through the statistical multiplexing data removing means (see figure 4, col. 5, lines 25-50, col. 1, lines 15-45).
5. In the claims 4, 9, 28, 33, Matsuura et al. discloses the packet of the statistical multiplexing data includes identification data for identifying from which encoding means the statistical multiplexing data is supplied (see col. 1, lines 15-45, col. 5, lines 6-23).
6. In the claims 5, 10, Matsuura et al. discloses the packet of the statistical multiplexing data further includes data for rejection detection used for detecting whether packet rejection is present or not (see col. 1, lines 15-45, col. 5, lines 6-23).
7. In the claim 6, see figure 6, the admitted prior art discloses a plurality of encoding means for encoding program data respective including video data, outputting resultant encoded streams, generating statistical multiplexing data required for control using statistical multiplexing, and

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outputting the generated data on the same transmission channels as the encoded streams are transmitted (see page 11, lines 6-23, page 4, the statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ◆ encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

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♦ multiplexing (multiplexer 2) means for acquiring the encoding streams and the statistical multiplexing data from the respective encoding (1a to 1n) means via the transmission channels, and multiplexing and outputting them (see figure 4, col. 5, lines 25-50). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

8. In the claim 16, see figure 6, the admitted prior art discloses a plurality of encoding means for respectively encoding video data of a plurality of channels on the basis of target encoding rates and outputting encoded video streams; multiplexing means for multiplexing a plurality of encoded streams respectively outputted from the plurality of encoding means, wherein the plurality of encoding means output the encoded video streams as video transport stream packets, and output encoding difficulty information indicating encoding difficulties in encoding video data of the plurality of channels as private transport stream packets, the multiplexing means includes a multiplexing circuit for receiving a plurality of transport streams including the video transport stream packets and the private transport stream packets respectively from the plurality of encoding means, multiplexing the plurality of transport streams, and therefore generating a multiplexed transport stream (see page 11, lines 6-23, page 4, the

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statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ♦ encoding control means for computing the target encoding rates supplied to the plurality of encoding means for the respective channels (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);
- ♦ and the encoding control means receives the multiplexed transport stream from the multiplexing means, extracts the private transport stream packets included in the multiplexed transport stream, and computes the target encoding rates respectively corresponding to the plurality of channels on the basis of the encoding difficulty

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information described in the extracted private transport stream packets (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

9. In the claims 20, 25, 30, 35, 37, 39, Matsuura et al. discloses the encoding control means computes temporary encoding rates respectively corresponding to the plurality of channels from the plurality of pieces of encoding difficulty information transmitted by the private transport stream packets, and computes the target encoding rates from the temporary encoding rates so as to make a sum a total of the temporary encoding rates equal to or less than a transmission rate (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10).

10. In the claim 21, see figure 6, the admitted prior art discloses a plurality of encoding means for respectively encoding video data of a plurality of channels on the basis of target encoding rates, thereby generating encoded video streams, outputting the encoded video stream as video transport stream packets, outputting encoding difficulties information indicating encoding difficulties in encoding video of the plurality of channels as private transport stream packets; multiplexing means for receiving a plurality of transport streams including the video transport stream packets and the private transport stream packets respectively from the plurality of

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encoding means, multiplexing the plurality of transport streams, and thereby generating a multiplexing transport stream (see page 11, lines 6-23, page 4, the statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ♦ encoding control means for receiving the multiplexing transport stream from the multiplexing means, extracting the private transport stream packets included in the multiplexed transport stream, computing the target encoding rates respectively corresponding to the plurality of channels on the basis of the encoding difficulty information described in the extracted private transport stream packets, supplying the computed target encoding rates respectively to the plurality of encoding means, and

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thereby controlling rates of the encoded streams outputted from the plurality encoding means (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

11. In the claim 26, see figure 6, the admitted prior art discloses a plurality of encoding means for respectively encoding video data of a plurality of channels on the basis of target encoding rates and outputting encoded video streams; multiplexing means for multiplexing a plurality of encoded streams respectively outputted from the plurality of encoding means, wherein the plurality of encoding means output the encoded video streams as video transport stream packets, and output encoding difficulty information indicating encoding difficulties in encoding video data of the plurality of channels as private transport stream packets, the multiplexing means includes a multiplexing circuit for receiving a plurality of transport streams including the video transport stream packets and the private transport stream packets respectively from the plurality of encoding means, multiplexing the plurality of transport streams, and therefore generating a multiplexed transport stream (see page 11, lines 6-23, page 4, the

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statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ◆ encoding control means for computing the targety encoding rates supplied to the plurality of encoding means for the respective channels (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);
- ◆ and the encoding control means receives the multiplexed transport stream from the multiplexing means, extracts the private transport stream packets included in the multiplexed transport stream, and computes the target encoding rates respectively corresponding to the plurality of channels on the basis of the encoding difficulty

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information described in the extracted private transport stream packets (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

12. In the claim 31, see figure 6, the admitted prior art discloses a plurality of encoding means for respectively encoding video data of a plurality of channels on the basis of target encoding rates, thereby generating encoded video streams, outputting the encoded video stream as video transport stream packets, outputting encoding difficulties information indicating encoding difficulties in encoding video of the plurality of channels as private transport stream packets; multiplexing means for receiving a plurality of transport streams including the video transport stream packets and the private transport stream packets respectively from the plurality of encoding means, multiplexing the plurality of transport streams, and thereby generating a multiplexing transport stream (see page 11, lines 6-23, page 4, the statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means,

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and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ◆ encoding control means for receiving the multiplexing transport stream from the multiplexing means, extracting the private transport stream packets included in the multiplexed transport stream, computing the target encoding rates respectively corresponding to the plurality of channels on the basis of the encoding difficulty information described in the extracted private transport stream packets, supplying the computed target encoding rates respectively to the plurality of encoding means, and thereby controlling rates of the encoded streams outputted from the plurality encoding means (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding

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control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

13. In the claim 36, see figure 6, the admitted prior art discloses a plurality of encoding means for respectively encoding video data of a plurality of channels on the basis of target encoding rates, thereby generating encoded video streams, outputting the encoded video stream as video transport stream packets, outputting encoding difficulties information indicating encoding difficulties in encoding video of the plurality of channels as private transport stream packets; multiplexing means for receiving a plurality of transport streams including the video transport stream packets and the private transport stream packets respectively from the plurality of encoding means, multiplexing the plurality of transport streams, and thereby generating a multiplexing transport stream (see page 11, lines 6-23, page 4, the statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated

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amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

- ◆ encoding control means for receiving the multiplexing transport stream from the multiplexing means, extracting the private transport stream packets included in the multiplexed transport stream, computing the target encoding rates respectively corresponding to the plurality of channels on the basis of the encoding difficulty information described in the extracted private transport stream packets, supplying the computed target encoding rates respectively to the plurality of encoding means, and thereby controlling rates of the encoded streams outputted from the plurality encoding means (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

14. In the claim 38, see figure 6, the admitted prior art discloses a plurality of encoding means for respectively encoding video data of a plurality of channels on the basis of target encoding

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rates, thereby generating encoded video streams, outputting the encoded video stream as video transport stream packets, outputting encoding difficulties information indicating encoding difficulties in encoding video of the plurality of channels as private transport stream packets; multiplexing means for receiving a plurality of transport streams including the video transport stream packets and the private transport stream packets respectively from the plurality of encoding means, multiplexing the plurality of transport streams, and thereby generating a multiplexing transport stream (see page 11, lines 6-23, page 4, the statistical multiplexing is a technique for transmitting a large number of programs by dynamically changing transmission rates of respective programs).

However, the admitted prior art does not disclose encoding control means for acquiring the statistical multiplexing data of each encoding means from output of the multiplexing means, and conducting control using statistical multiplexing on each encoding means on the basis of the statistical multiplexing data.

Matsuura et al. , see figure 4, discloses a multi-coding apparatus comprises a plurality of encoders 1a to 1n for coding input data at variable rates, a bit allocator 4 supplied with estimated amounts of codes output from the respective encoders 1a to 1n, and maximum transmission rate controller 3 (encoding controller) for supplying a whole allocated amount of bits to the bit allocator 4 on the basis of the amounts of codes output from the respective encoders 1a to 1n (see abstract); comprising:

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♦ encoding control means for receiving the multiplexing transport stream from the multiplexing means, extracting the private transport stream packets included in the multiplexed transport stream, computing the target encoding rates respectively corresponding to the plurality of channels on the basis of the encoding difficulty information described in the extracted private transport stream packets, supplying the computed target encoding rates respectively to the plurality of encoding means, and thereby controlling rates of the encoded streams outputted from the plurality encoding means (see figure 4, see abstract, col. 5, lines 25-50, col. 4, lines 15-40, col. 6, lines 5-10);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the admitted prior art with the teaching of Matsuura to provide the encoding control in order to estimate amount of codes from variable encoders 1a to 1n. Therefore, the combined system would have enable the statistical multiplexing system for controlling the target bit rates Rate 1 to Rate n.

Allowable Subject Matter

15. Claims 11-13, 14-15 are allowed.
16. The following is an examiner's statement of reasons for allowance: the prior art of record (5956426, 6522672, 6487220, 5708664) does not appear to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited from independent

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claims 11, 14: "conducting multiplexing processing on the encoded streams and the statistical multiplexing data at a first rate greater than a data transmission rate on a transmission channel of a subsequent stage, outputting first data including the statistical multiplexing data, conducting multiplexing processing on data obtained by removing the statistical multiplexing data from the data outputted from the respective encoding means, at a second rate equal to a data transmission rate on the transmission channel of the subsequent state, and outputting second data which does not include the statistical multiplexing data to the transmission channel of the subsequent stage.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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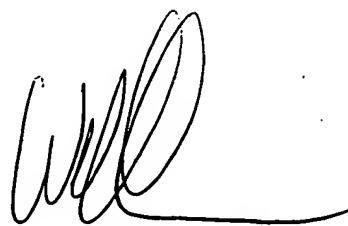
Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday-Friday from 9am to 3pm.

18. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington, Chin, can be reached on (703)305-4633. Any inquiry of a general nature or relating to the status of this application or proceeding should be direct to the group receptionist whose telephone number is (703) 305-3900.

CH

Date 04-19-03



WELLINGTON CHIN
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